

**Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Lifeline and Link Up Reform and Modernization	)	WC Docket No. 11-42
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Advancing Broadband Availability Through Digital Literacy Training	)	WC Docket No. 12-23
	)	
Lifeline and Link Up	)	WC Docket No. 03-109

**RESPONSE TO PETITIONS FOR RECONSIDERATION OF THE  
PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**

**INTRODUCTION AND SUMMARY**

Pursuant to section 1.429(f) of the Federal Communications Commission's (FCC) rules, the Public Service Commission of the District of Columbia (DC PSC) files this response to the Petition for Reconsideration and Clarification of the United States Telecom Association (USTelecom).<sup>1</sup> The DC PSC supports USTelecom's request for reconsideration of the new 47 C.F.R. § 54.410(b)(2)(ii) and 47 C.F.R. § 54.410(c)(2)(ii), promulgated by the *Lifeline Modernization Order*.<sup>2</sup> These two sections are duplicative of 47 C.F.R. § 54.410(b)(2)(i) and 47 C.F.R. § 54.410(c)(2)(i) and would impose heavy administrative burdens on both eligible telecommunications carriers (ETC) and state agencies that verify customer eligibility for Lifeline

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<sup>1</sup> *Further Inquiry into Four Issues in the Universal Service Lifeline/Link Up Reform and Modernization Proceeding, Lifeline and Link Up Reform and Modernization; Lifeline and Link Up; Federal-State Joint Board on Universal Service; Advancing Broadband Availability Through Digital Literacy Training*, WC Docket Nos. 11-42, 03-109, CC Docket No. 96-45, Petition for Reconsideration and Clarification of the United States Telecom Association (USTelecom Petition), filed April 2, 2012.

<sup>2</sup> *Further Inquiry into Four Issues in the Universal Service Lifeline/Link Up Reform and Modernization Proceeding, Lifeline and Link Up Reform and Modernization; Lifeline and Link Up; Federal-State Joint Board on Universal Service; Advancing Broadband Availability Through Digital Literacy Training*, WC Docket Nos. 11-42, 03-109, CC Docket No. 96-45, Order and Further Notice of Proposed Rulemaking (*Lifeline Modernization Order*), released February 6, 2012.

service (state certification agencies). The DC PSC urges the FCC to delete 47 C.F.R. § 54.410(b)(2)(ii) and 47 C.F.R. § 54.410(c)(2)(ii) in their entirety.<sup>3</sup> Alternatively, the FCC could replace the “and” in 47 C.F.R. § 54.410(b)(2)(i) and 47 C.F.R. § 54.410(c)(2)(i) with the word “or,” which would provide more flexibility to state certification agencies and ETCs in providing the information that ETCs need to provide proof of customer eligibility.

## DISCUSSION

### SECTIONS 54.410(b)(2)(ii) AND 54.410(c)(2)(ii) ARE UNNECESSARY.

In states that have state certification agencies, 47 C.F.R. § 54.410(b)(2) and 47 C.F.R. § 54.410(c)(2) bar ETCs from being reimbursed for Lifeline services provided to customers unless the state certification agency has verified to the ETC that the customer qualifies for Lifeline service by either participating in one of the qualifying programs or meeting the income standards.<sup>4</sup> As currently drafted, state certification agencies must provide ETCs with two proofs of customer eligibility: notice that a customer meets the eligibility requirements (47 C.F.R. § 54.410(b)(2)(i) and 47 C.F.R. § 54.410(c)(2)(i)); and, a copy of the customer’s Lifeline application (47 C.F.R. § 54.410(b)(2)(ii) and 47 C.F.R. § 54.410(c)(2)(ii)). These requirements overlap, providing the same information to the ETC in different forms. The notice can be provided in several different ways, such as providing a master list of certified customers or responding to ETC inquiries about specific customers.<sup>5</sup> Providing copies of the certification

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<sup>3</sup> The DC PSC notes that although the USTelecom Petition does not address the new 47 C.F.R. § 54.410(e), this rule imposes the same obligations on ETCs and state certification agencies as 47 C.F.R. § 54.410(b)(2)(ii) and 47 C.F.R. § 54.410(c)(2)(ii). The FCC should delete this section for the same reasons it should delete 47 C.F.R. § 54.410(b)(2)(ii) and 47 C.F.R. § 54.410(c)(2)(ii).

<sup>4</sup> 47 C.F.R. § 54.410(b)(2) and 47 C.F.R. § 54.410(c)(2).

<sup>5</sup> In the District of Columbia, the state certification agency, the District Department of the Environment’s Energy Office (DDOE) provides the only wireline ETC, Verizon DC, with periodic lists of eligible customers. The DC PSC is aware that in other jurisdictions, ETCs request state agencies to provide information on whether specific customers are eligible for Lifeline service.

applications for each customer would be duplicative, since the ETC already would have notice that the customer is eligible for Lifeline service. It is also administratively inefficient to have two different entities devoting resources to reviewing and storing the same certification applications. The *Lifeline Modernization Order* does not explain why state agencies must provide both notice and a copy of the certification application to the ETC, since the notice provides the information that the ETC must have in order to show that the customer is eligible for Lifeline service.

**SECTIONS 54.410(b)(2)(ii) AND 54.410(c)(2)(ii) ARE BURDENSOME ON STATE CERTIFICATION AGENCIES AND ETCs.**

In order to comply with 47 C.F.R. § 54.410(b)(2)(ii) and 47 C.F.R. § 54.410(c)(2)(ii), state certification agencies must collect, duplicate, and transmit copies of certification applications to ETCs. Additionally, secure methods of transmitting the certification applications must be developed, since the certification applications contain sensitive personal information.<sup>6</sup> In states in which there are multiple ETCs under the jurisdiction of a state commission, additional time must be spent to organize the certification applications by ETC, so that each ETC only receives copies of certification applications for its customers. These new administrative functions will consume a great deal of staff time and other resources. Due to the additional tasks involved, ETCs may not receive copies of the certification applications in sufficient time to efficiently file reimbursement applications with the Universal Service Administrative Company

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<sup>6</sup> DDOE has represented to the DC PSC that it will have to develop new procedures to provide copies of customer certification applications to Verizon DC in either electronic or paper form. DDOE has indicated that it does not have the staff or other resources necessary to develop and implement these changes. *Formal Case No. 813, In The Matter Of The Investigation Into Electric Service Market Competition And Regulatory Practices, and Formal Case No. 988, In the Matter of the Development of Universal Service Standards and the Universal Service Trust Fund for the District of Columbia*, Report of the Universal Service Trust Fund Working Group on Compliance with the FCC Lifeline Order (“DC USTF WG Report”) at 1, filed April 2, 2012.

(USAC).<sup>7</sup> The staff resources spent in providing copies of certification applications would be more efficiently spent in processing Lifeline applications, to increase the number of qualified customers receiving Lifeline service.

**SECTIONS 54.410(b)(2)(ii) AND 54.410(c)(2)(ii) SHOULD BE DELETED OR SECTIONS 54.410(b)(2)(i) AND 54.410(c)(2)(i) SHOULD BE AMENDED.**

Because 47 C.F.R. § 54.410(b)(2)(ii) and 47 C.F.R. § 54.410(c)(2)(ii) are duplicative and burdensome, the DC PSC agrees with USTelecom that these sections be deleted.<sup>8</sup> Under 47 C.F.R. § 54.410(b)(2)(i) and 47 C.F.R. § 54.410(c)(2)(i), ETCs will have the information they need to accurately demonstrate that a customer is eligible for Lifeline service. Thus, the FCC should delete 47 C.F.R. § 54.410(b)(2)(ii) and 47 C.F.R. § 54.410(c)(2)(ii). Alternatively, the FCC could replace the “and” at the end of 47 C.F.R. § 54.410(b)(2)(i) and 47 C.F.R. § 54.410(c)(2)(i) with an “or,” which would permit state certification agencies to transmit copies of certification applications in lieu of providing notice to ETCs of customer eligibility or vice versa, depending on the process that would be more administratively efficient.

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<sup>7</sup> It is also more burdensome for the ETCs to receive and securely store the certification applications of their customers.

<sup>8</sup> USTelecom Petition at 6.

## CONCLUSION

The DC PSC appreciates the opportunity to submit this response to the USTelecom Petition for Reconsideration and urges the Commission to grant the Petition.

Respectfully submitted,

**PUBLIC SERVICE COMMISSION  
of the DISTRICT OF COLUMBIA**

By: 

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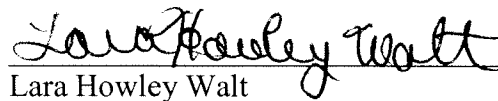
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May 7, 2012

**CERTIFICATE OF SERVICE**

I hereby certify that on May 7, 2012, a copy of the foregoing was sent via United States mail, postage prepaid, to the following:

  
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